

State of New Jersey
Department of Labor and Workforce Development
Board of Review

MEMORANDUM

To: Cornelia Calderone, Chair, Joseph Sieber,
Vice Chairman, and Frank Serico, Member

From: Gerald Yarbrough, Executive Secretary
Board of Review

Subject: Minutes of the January 11, 2006
Board of Review Meeting

Date: January 13, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO
CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, January 11, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in The Trenton Times and The Star Ledger. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, January 18, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7th Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair
Mr. Sieber, Vice Chair
Mr. Serico, Member
Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Serico and seconded by Mr. Sieber, the minutes of the January 4, 2006 meeting were approved.

3. New Business

(a) 91,050

Mr. Gitter presented this case that involved an employer who filed a late appeal. The Appeal Tribunal had held that the employer's appeal was filed late without good cause. The Board noted that the Appeal Tribunal did not confront the employer regarding the address on the determination, and it is unclear whether the employer's representative received the determination. As the record did not support the conclusion, the Board voted to remand the case for additional testimony. Mr. Gitter will prepare the remand.

(b) 89,765

Mr. Maddow presented this case that involved a claimant who left work because she could no longer perform the work due to a medical condition. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted that the claimant's medical condition is work related, which gave her good cause attributable to the work for leaving. As a result, the Board voted to reverse the Appeal Tribunal. Mr. Maddow will prepare the decision.

(c) 58, 950

As presented by Mr. Maddow, this case involved a claimant who left work due to working conditions. The claimant was initially held entitled to benefits by the Deputy. The Appeal Tribunal had held the claimant disqualified for benefits under N.J.S.A. 43:21-5(a). The Board noted that the only issue listed on the hearing notice was refusal of suitable work, and the claimant was not given proper notice of the voluntary leave issue or the potential liability to refund benefits. The Board also noted that additional testimony was needed regarding the voluntary leave issue. As a result, the Board voted to remand the case to the Appeal Tribunal. Mr. Maddow will prepare the remand.

4. Public Portion

There being no further business to transact, a motion was made by Mr. Sieber to adjourn the meeting. Mr. Serico seconded the motion.

SUBMITTED FOR APPROVAL:

Gerald Yarbrough
Executive Secretary

GY:gs